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102.166A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
S. BAY et al
Serial No.: 09/049,847
Filed: March 27, 1998
For: MULTIPLE...USE THEREOF

: T. Bhatti
:
: Group: 162
:
:

600 Third Avenue
New York N.Y. 10016
December 6, 2001

RESPONSE

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the office action of November 6, 2001,
Applicants request reconsideration of the application in view of
the remarks presented herein.

The claims in the application are claims 29 to 32, 35, 40, 42
to 44, 46 and 47, all other claims having been cancelled.

The Examiner has indicated that claim 29 is drawn to a
plurality of patentably distinct species and their use and has
required Applicants to elect one of the generic members of the
Markush group indicated in the office action and a single compound
within the elected Markush generic group.

Applicants respectfully traverse this requirement since the
present application is a RCE and the original application received
three office actions on the merits with the present claims and it
is deemed that there is but a single invention present. It is not

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D. Nalanchetty

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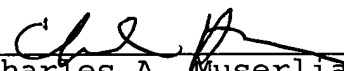
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The claims in the application are claims 29 to 32, 35, 40, 42
to 44, 46 and 47, all other claims having been cancelled.
The Examiner has indicated that claim 29 is drawn to a
plurality of patentably distinct species and their use and has
required Applicants to elect one of the generic members of the
Markush group indicated in the office action and a single compound
within the elected Markush generic group.
Applicants respectfully traverse this requirement since the
present application is a RCE and the original application received
three office actions on the merits with the present claims and it
is deemed that there is but a single invention present. It is not

known why the election is being made at this time in view of the circumstances. However, in order to be fully in compliance with the office action, Applicants elect with traverse the generic B4-T4-M. With respect to the election of species, Applicants elect again with traverse the B tumor antigen which is Tn antigen and the T antigen is sequence 103 to 115 from protein VP1 of the poliovirus type I which is Example 2 of the application.

Since the first office action in the RCE was merely a restriction requirement, a prompt examination on the merits is requested.

Respectfully submitted,
Bierman, Muserlian and Lucas

By:


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CAM:ds
Encl.: Return receipt postcard